



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,035	08/27/2001	Lane W. Lee	M-12040 US	4896

32605 7590 03/14/2005

MACPHERSON KWOK CHEN & HEID LLP
1762 TECHNOLOGY DRIVE, SUITE 226
SAN JOSE, CA 95110

EXAMINER

DINH, MINH

ART UNIT	PAPER NUMBER
----------	--------------

2132

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/940,035	LEE ET AL.	
	Examiner	Art Unit	
	Minh Dinh	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

ch

DETAILED ACTION

1. Claims 1-24 have been examined. Applicant's preliminary amendment dated 26 November 2001 has been entered.

Specification

2. It is requested that Applicant provide the application/patent numbers of related applications that might not be available at the time of filing. Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: "A method of for ..." in the preamble. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-23 are rejected under 35 U.S.C. 101. Regarding claim 17, it is not tangibly embodied as it is only software per se. The claimed subject matter "a computer program" is not stored on a computer-readable medium.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al (US 2002/0112171 A1).

Ginter discloses a system and method for digital rights management (¶¶ 59-73, 136, 433-443).

Regarding claims 1, 6 and 24, Ginter discloses a method for accessing secured data on a storage medium, the method comprising: establishing a secure session between a host and a clearinghouse; receiving, via a communications channel, a command to unlock the secured data governed by at least one of a plurality of content storage models; and unlocking the secured data wherein the command responds to an identifier on the medium, the identifier configured to govern access to the secured data, and at least one of the plurality of content storage models is a secure content manager (figures 35, 49, 49a-f and corresponding text; ¶¶ 441, 473-475, 662, 846-847).

Regarding claim 10, Ginter discloses a system configured to unlock secured data on a storage medium, the system comprising: a plurality of content storage models for

Art Unit: 2132

secured data stored on the storage medium; and an engine capable of unlocking secured data wherein the engine modifies attributes of the data on the storage medium to unlock the secured data according to a content storage model in response to a command to unlock the data (figures 3-4, 25a-c; 49, 49a-f and corresponding text; ¶¶ 441, 473-475, 662, 846-847).

Regarding claim 17, Ginter discloses a computer program product stored on a computer-readable medium including computer program comprising: instructions for unlocking secured data stored on a storage medium according to at least one of a plurality of content storage models by modifying attributes of the data on the storage medium; instructions for communicating with a host via a communications channel; and instructions for receiving from the host a command to unlock the secured data (figures 3-4, 25a-c; 35, 49, 49a-f and corresponding text; ¶¶ 441, 473-475, 662, 846-847).

Regarding claims 2-3, Ginter further discloses mutual authentication between the host and the clearinghouse (fig. 35, step 1154).

Regarding claim 4, Ginter further discloses receiving from the host an indication of which data is to be unlocked (fig. 35, step 1164).

Regarding claims 5 and 19, Ginter further discloses determining which data is to be unlocked by traversing a directory structure and noting secured data (¶¶ 662, 845-847).

Regarding claims 7, 14 and 22, Ginter further discloses that the plurality of content storage models includes two or more digital rights management protocols (¶¶ 157, 200).

Regarding claims 8, 15 and 23, Ginter further discloses that the secure content manager is one of a proprietary and a third party digital rights management protocol (§§ 157, 200).

Regarding claims 9 and 16, Ginter further discloses that the access to the data is also governed by a file system (§§ 662, 845-847).

Regarding claims 11-12 and 18, Ginter further discloses that the engine receives the command to unlock the data in a message received via the Internet (§§ 157, 200).

Regarding claim 13, Ginter further discloses that the message is encrypted (fig. 35, step 1154).

Regarding claim 20, Ginter further discloses establishing a secure session with the host (fig. 35, step 1154).

Regarding claim 21, Ginter further discloses decrypting the command to unlock the secured data (fig. 35, steps 1154, 1168).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,857,021 to Kataoka et al.

US Patent 6,581,160 to Harada et al.

US Patent 6,611,812 to Hurtado et al.

US Patent 6,636,966 to Lee et al.

US Patent Application Publication 2001/0042043 A1 to Shear et al.

Art Unit: 2132

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802.

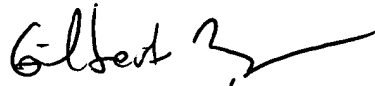
The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD
Minh Dinh
Examiner
Art Unit 2132

MD
3/4/2005


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100